IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 1693 /2019

MOMIN KHAN

VS

EDUCATION DEPTT:

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APPELLANT

THROUGH:

NOOR MUHAMMAD KHATTAK ADVOCATE

Room No. 3 & 4, Upper Floor, Islamia Club Building, Khyber Bazar, Peshawar 0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 1693 /2019

Mr. Momin Khan, SST (BPS-16), Gms Pai Khel Kotaki, Tehsil Munda District Dir Lower.....

Nated 08/11/2019

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (M), District Swat.

..... RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE INACTION OF THE RESPONDENTS BY NOT GRANTING/ALLOWING PROMOTION TO THE APPELLANT TO THE POST OF SECONDARY SCHOOL TEACHER (BPS-16) FROM THE DATE WHEN THE PROMOTION QUOTA WAS FILLED BY THE RESPONDENTS THROUGH INITIAL RECRUITMENT OR FROM THE DATE OF COMMENCEMENT OF THE ACT NO.XVI OF 2009 COMMONLY KNOWN AS REGULARIZATION OF SERVICES ACT, 2009 NOTIFIED IN THE OFFICIAL GAZETTE ON 24.10.2009 WITH ALL BACK BENEFITS INCLUDING SENIORITY AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYERS:

That on acceptance of this appeal the respondents may kindly be directed to consider the appellant for promotion to the post of Secondary school Teacher (BPS-16) from the date when the promotion quota have been filled by the respondents through initial recruitment or from the date of Commencement of the Act No.XVI of 2009 commonly known as Regularization of Services Act, 2009 Notified in the official gazette on 24.10.2009 with all back benefits including seniority. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH: ON FACTS:

Registrar

Brief facts giving rise to the present appeal are as under:-

That initially the appellant was appointed as CT in the respondents Department vide order dated 13.05.1992 and right from the date $1^{\rm st}$ appointment the appellant is serving the respondent Department quite efficiently and upto the entire satisfaction of his superiors. Copy of the service book is attached as annexure

- 3- That under protest the appellant and his colleagues applied for the said post through initial recruitment but the same was also refused to the appellant and colleagues of the appellant on the pretext that regular employees are not entitle to apply for the adhoc/contract posts of SST (BPS-16) thus appellant and his colleagues were deprived from prospects of promotion. That it is pertinent to mention that at the time of above mentioned advertisement the post/cadre of C.T (BPS-15) to which the appellant belong have no prospects of promotion.
- 4- That in light of the said advertisement new appointments were made by the respondents on adhoc basis and even the promotion quota was also filled by the respondents though initial recruitment.
- That in the meanwhile the Provincial Government Promulgated the employees regularization Act, 2009 whereby all the adhoc employees who were appointed as SST on temporary basis were regularized thus further affected the cadre to which the appellant belongs. That the promotion quota for which the appellant and his colleagues have waited for decades has been washed by operation of the said Act of 2009. Copy of the Act is attached as annexure
- 6- That feeling aggrieved the appellant and his colleagues knocked the door of the Peshawar High Court through various writ petitions including writ petition No.2905/2009. That vide consolidated judgments dated 26.1.2015 the said writ petitions were disposed of with the directions that:
 - (i)- The act.XVI of 2009, commonly known as (Regularization of services) act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.
 - (ii)- Official respondents are directed to work out the backlog of the promotion quota as per above mentioned example, within thirty days and consider the in service employees, till the backlog is washed out, till then there would be complete ban on fresh recruit.
 - Copy of the Judgment is attached as annexure D.
- 7- That the respondents assailed the said judgment of the august Peshawar High Court Peshawar in CPLAS No.127-P to 129-P/2015 but the same were dismissed as withdrawn vide judgment dated 20.9.2017. That then after the appellant and his colleagues time

and again visited the respondents for their promotion to the next higher scale but the respondents instead of redressing the grievance of the appellant and his colleagues advertised the posts through initial recruitment through various advertisements. Copies of the judgment and advertisements are attached as annexure

GROUNDS:

- A- That the inaction of the respondents by not allowing/granting ante dated promotion to the appellant to the post of SST (BPS-16) is against the law, facts, norms of natural justice and materials on the record.
- B- That appellant has not been treated in accordance with law and rules by the respondent Department on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the inaction of the respondents by not allowing/granting ante dated promotion to the appellant to the post of SST (BPS-16) is based on mala fide and arbitrary intentions and as such the same is violative of the principle of natural justice.

- D-That, the respondents acted in a malafide manner by not promoting the appellant to the post of SST (BPS-16) from retrospective effect inspite of eligibility, seniority and fitness.
- E- That the respondents acted in arbitrary and malafide manner by not ante dated promotion to appellant to the post of SST (BPS-16) despite the fact that the appellant was not allowed in the initial recruitment process because of the fact that he is in regular promotion zone and will soon be promoted to the post of SST (BPS-16).
- F- That the inaction of the respondents by not allowing/granting promotion to the appellant to the post of SST (BPS-16) is violative of section-9 of the Civil Servant Act 1973 read with Rule-7 of the (Appointment, Promotion & Transfer) Rules 1989.
- G-That as per Rules and regulation the appellant is entitle for promotion to the post of SST (BPS-16) with all consequential benefits including seniority.
- H- That according to Article 38(e) of the Constitution of Pakistan, 1973 the state is bound to reduce disparity in the income and earnings of individual including persons in the services of Federation.
- I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

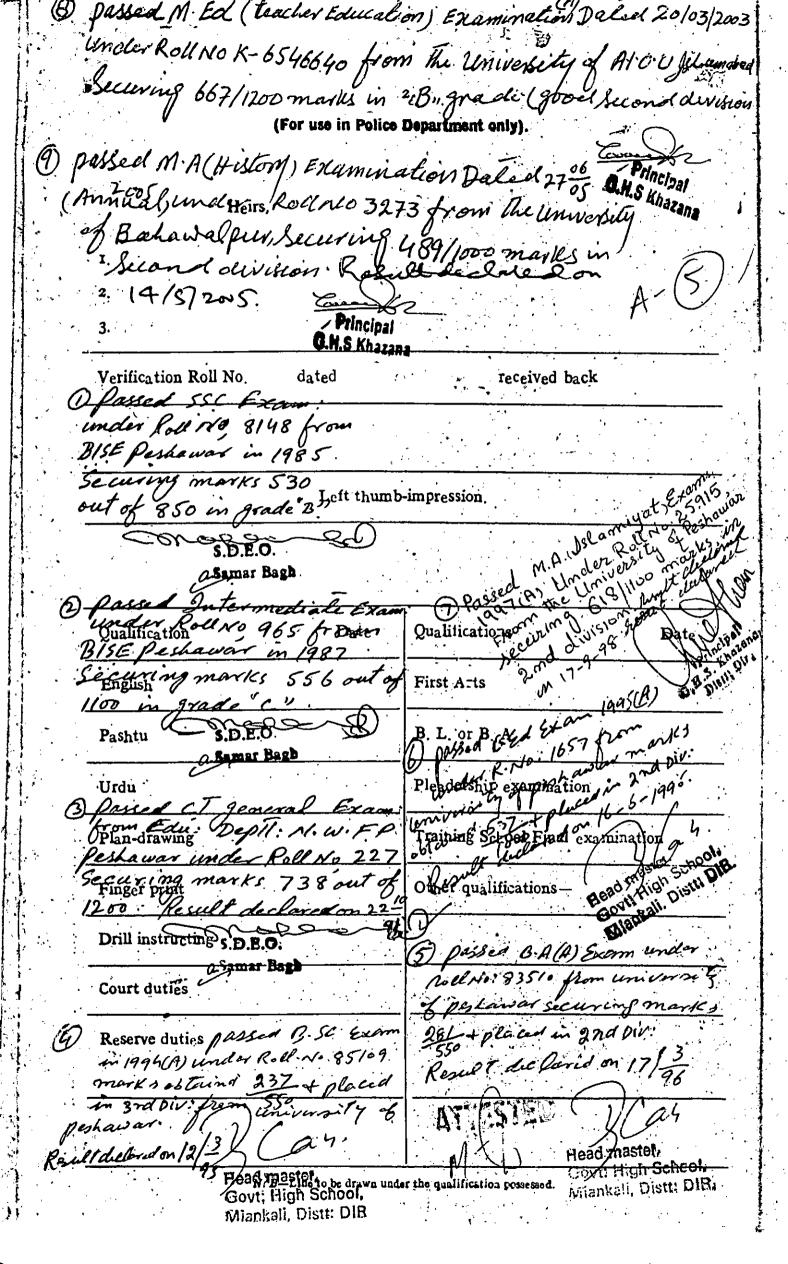
APPELLANT

MOMIN KHAN

THROUGH:

NOOR MOHAMMAD KHATTAK

MIR ZAMAN SAFI
ADVOCATES



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Mian-Gul-Khan. Father's name and residence

(as above) First March N. Hand Sixtynin Date of birth by Christian era as nearly as can be ascertained 1-3-1969)

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8. Left hand thumb and Finger impression of (nor-gazetted) officer

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Thumb.

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Signature of Government servant.

(B) waller

Signature and designation of the TΩ Head of the Office, or other Attesting Officer.

50b:Divisional Education Officer

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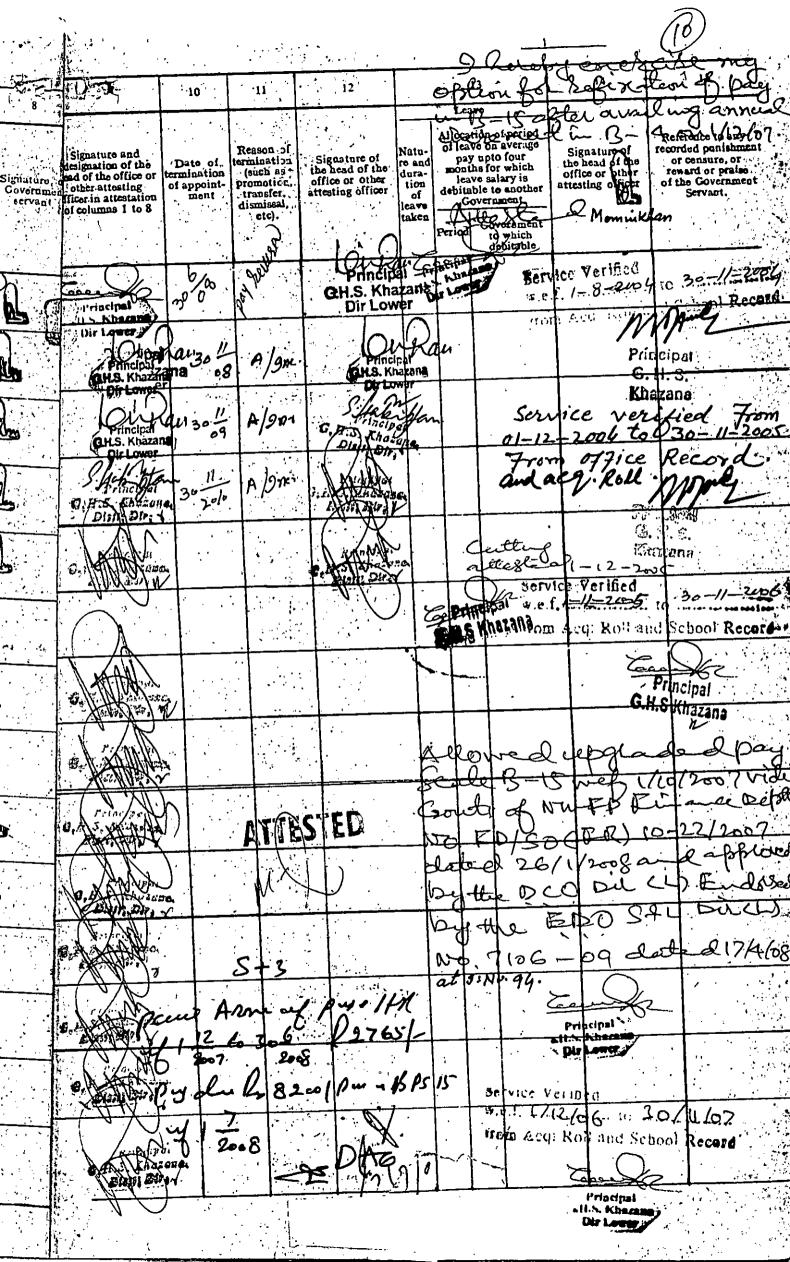
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۔۔۔ 22) نیڈوکا Vail period اوے دن تک زوا۔ (23) اور جا س مرے سید در در سے ہیں۔ اس مرے اسدار در سے ہیں۔ اور بہتر اور پہل انجیسر تک کوشل اور پہل دینول رسیدا اور پہل شائن کا والا کا کا انداز کی ہے۔ اور مصدقہ نقر ل دور فوالے سے ساتھ افتہ اس میں اس میں مساجہ اور اور متعاقبہ کا فیڈرا نے اور کا در متعاقبہ کا فیڈرا نے اور کا در اور متعاقبہ کا فیڈرا نے اور کا در اور متعاقبہ کا فیڈرا نے اور کا در در اور متعاقبہ کا فیڈرا نے اور کا در کا در اور کا در کا در کا در اور کا در کا دائیں کا دور کا در کا در

دّابشی دّانویکشو(بسی ایبندٌ آر) درگساینزمردنززیادشند، اسمره د نون نیمر:920190-0597

INF (P) 2760 Also available on www.nwlp.gov.pk

تکمیه بدارس وخوا نرگی میویم برجد

: ظهده ادمی نواندگی نرسیجانزوی سکول نیمرو (SST)16-10 اور بی بی میسینالسند (SS)1-8 کی مالی آسان بیون م خاامتا مارض كشريك ادواد بن ايرث كي بياد برتعينان كيك 10 أكست 07 الا 12 مير بيرتك مرف اخزييد . نخل فرا كي رب سائت ۱۸۷۷۷.onwlp.com ك درية مرف موب مرمدادر فالات مكوني باشندول أسيد دارن و فراين وصرات) مرکامد المنتشايره دت وازرت م: 35 21 مال المركم 16 کل 16 ما ياک مروس کوش يا دا کن الا نام ال اده ال المال المال المال المال کل مراس کان ا مواکن الا نام المال المال المال المال المال المال کان المال المال المال المال المال المال المال المال المال الموال المال الموال المال الموال المال الموال المال الموال المال الموال بر مراد به مون ۱۱ کار این مکول از است کراه این تا) گهر (میتروانس مجرو) کاند اور این باید ای جزل سأنش بنياءل أونيطينا زويز ك إعلا 100 دېرېش د سبې يا المست متعاد منمون مير ا مخواہ عرد 15 تا کا نیال کر آئی کا اور کا پیک سروس کیشن یا اجمال ایادی اجمال عادی اد (ان مي يه برس مليو) می این ماست. (اگرین ادار) مارد اگری بد ل اماالات سری کم ایلایم در ایم می موکل باک مفدین میخند درج ان (ارت) دماکس مراس مراس ایم اے ادبی (ان مِن سعه دو کن بیله ۱۶) فرنس ويساق نبحى وراواهين فاريت وے نے میں حین ان وب سے میں حین ان مم سنری مالوی)

و بر از از ان ایس ایس فی می آن کیا اس و داده ایس می بر کرس کی برای برای کی (د داری ان کان ادر و فق (ا سال بی ک که از می دو مشایل می برای فی سه در داده ای سور مداده ای سور مداده می داده می می داده می می داده داده می داده می داده

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اس امر کا دنیا حت شرود ک بے کہ اس اشتبار کے تبعی نمٹریٹ ڈامید دارد ان کو گیا وی مراحات مثنا کی پھٹی کئی ایر ایا نے پیش و قرر ا ما ٹوکٹوں اور اندر اندر اندر کی مراح کے خواہ شروع اور اندر اندر کیا کا تو درجائے اور دور کی برات براس کر کے کیلئے کی یکی مدالت سے دار اندر کی مرسکے وقت انتہائی تا واجع اردین کے بھٹی کا مشار اندر کا کا اور دور اندر اندر اندر اندر مداور کو کر انداز کی نام کرکے تھ مداوی مداور اندر اندر کی بھٹی کا تی حاصل اور اندر اندر اندر اندر اندر اندر ا موری کی کان کو اندر اندر کی مداور میں موادار شامید اور کو آئی ہے کہا تی حاصل اور اندر اندر اندر اندر اندر اندر جا کی اندر میکنا اندر اللہ واردی تین کے جا کی مرکب کے دور کا کو بات کا کام اندر اداروں کر گئی کامی دوران اندران جا کی اندر میکنا کی مداور کی اندر کا اور کار کار کار کی اندر کا کار کار کی کار کار کار کار کار کار کار کار کار

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THE ³[KHYBER PAKHTUNKHWA] EMPLOYEES (REGULARIZATION OF SERVICES) ACT, 2009. (⁴[KHYBER PAKHTUNKHWA] ACT NO. XVI OF 2009)

[First published after having received the assent of the Governor of the 5 [Khyber Pakhtunkhwa] in the Gazette of 6 [Khyber Pakhtunkhwa] (Extraordinary), dated the 24th October, 2009]

AN ACT

to provide for the regularization of the services of certain employees appointed on adhoc or contract basis.

WHEREAS it is expedient to provide for the regularization of the services of certain employees appointed on adhoc or contract basis, in the public interest, for the purposes hereinafter appearing;

It is hereby enacted as follows:-

- 1. <u>Short title and commencement.</u>—(1) This Act may be called the ⁷[Khyber Pakhtunkhwa] Employees (Regularization of Services) Act, 2009.
 - (2) It shall come into force at once.
- 2. Definitions.---(1) In this Act, unless the context otherwise requires,-
 - (a) "Commission" means the ⁸[Khyber Pakhtunkhwa] Public Service Commission:
 - (aa) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment;
 - (b) "employee" means an adhoc or a contract employee appointed by Government on adhoc or contract basis or second shift/night shift but does not include the employees for project post or appointed on work charge basis or who are paid out of contingencies;

Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁶Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

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- (c) "Government" means the Government of the ⁹[Khyber Pakhtunkhwa];
- (d) "Government Department" means any department constituted under rule 3 of the ¹⁰[Khyber Pakhtunkhwa] Government Rules of Business, 1985, and does not include any section of a Department or an organization which is federally funded;
- (e) "law or rule" means the law or rule for the time being in force governing the selection and appointment of civil servants; and
- (f) "post" means a post under Government or in connection with the affairs of Government to be filled in on the recommendation of the Commission.
- (2) The expressions "adhoc or contract appointment" and "civil servant" shall have the same meanings as respectively assigned to them in the ¹¹[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (¹²[Khyber Pakhtunkhwa] Act No. XVIII of 1973).
- Regularization of services of certain employees.—All employees including recommendees of the High Court appointed on contract or adhoc basis and holding that post on 31st December, 2008 or till the commencement of this Act shall be deemed to have been validly appointed on regular basis having the same qualification and experience for a regular post:

Provided that the service promotion quota of all service cadres shall not be affected.

- 4. <u>Determination of seniority.</u>—(1) The employees whose services are regularized under this Act or in the process of attaining service at the commencement of this Act shall rank junior to all civil servants belonging to the same service or cadre, as the case may be, who are in service on regular basis on the commencement of this Act, and shall also rank junior to such other persons, if any, who, in pursuance of the recommendation of the Commission made before the commencement of this Act, are to be appointed to the respective service or cadre, irrespective of their actual date of appointment.
- (2) The seniority interse of the employees, whose services are regularized under this Act within the same service or cadre, shall be determined on the basis of their continuous officiation in such service or cadre:

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Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

¹⁰Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

¹¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

¹²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

Provided that if the date of continuous officiation in the case of two or more employees is the same, the employee older in age shall rank senior to the younger one.

- 4A. Overriding effect.—Notwithstanding any thing to the contrary contained in any other law or rule for the time being in force, the provisions of this Act shall have an overriding effect and the provisions of any such law or rule to the extent of inconsistency to this Act shall cease to have effect.
- 5. <u>Repeal.</u>—The North-West Frontier Province Employees (Regularization of Services) Ordinance, 2009 (N.-W.F.P. Ordinance No. VII of 2009) is hereby repealed.

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Writ Petition No.2905 of 2009.

ATTA ULLAH AND OTHERSPETITIONERS.

VERSUS.

THE CHIEF SECRETARY KPK ETC....RESPONDENTS:

JUDGMENT.

Appellant/Petitionerby. Thulamy Nabi 12 in Mairie Respondent by Bander Ali Rosa Malacale. - Expandent Algar Almond Elan After Magar Almond Elan After 1

WAQAR AHMAD SETH, J:- Through this single

judgment we propose to dispose of the instant Writ Petition No.2905 OF 2009 as well as the connected Writ Petition Nos.2941, 2967,2968,3016: 3025.3053,3169,3251,3292 of 2009,496,556,664,1256,1662,1685,1696,2176.2230,2501,28 96,2798 of 2010 & 206, 355,435 & 877 of 2011 as common question of law and fact is involved in all those politions.

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2- The petitioners in all the writ petitions have approached this Court under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973 with the following relief:-

"It is, therefore, prayed that on acceptance of the Amended Writ Petition the above noted Act No.XVI 2009 namely The North West Province Employees (Régularization of Services) Act, 2009 dated 24th October, 2009' being illegal unlawful, without authority and jurisdiction, based on intentions and being malafide unconstitutional as well as ultra vires to the basic rights as mentioned in the constitution be set-aside and respondents be directed to fill up the above noted posts after going through the legal and lawful and the normal procedure as prescribed under the prevailing laws instead of using the short cuts for obliging their own person.

It is further prayed that the notification No.A-14/SET(M) dated 11.12.2009 and Notification No.A-17/SET(5) Contract-Apptt:2009 dated 11.12.2009, as well as Notification No.SO(G)ES/1/85/2009/SS(Contract) dated

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31.05.2010 issued as a result of above noted impugned Act whereby all the private respondents have been regularized may also be set-aside in the light of the above submissions, being illegal, unlawful, inconstitutional and against the fundamental rights of the petitioners.

Any other relief deemed fit and proper in the circumstances and has not been particular asked for in the noted Writ Petition may also be very graciously granted to the petitioners".

3- It is averred in the petition that the petitioners are serving in the Education Department of KPK working posted as PST,CT,DM,PET,AT,TT, Qari and SET in different Schools; that respondents No 9 to 1359 were appointed on adhoc/contract basis on different times and lateron their service were regularised through the North West Frontier Province Employees (Regularization of Services) Act, 2009; that almost all the petitioners have got the required qualifications and also got at their credit the length of service; that as per notification No.SO(S)6-2/97 dated 03/06/1995





the qualification for appointment/promotion of the SET Teachers BPS-16 was prescribed that 75% SETs shall be selected through Departmental Selection Committee on the basis of batchwise/yearwise open merit from amongst the candidates having the prescribed qualification and remaining 25% by initial a recruitment; through Public Service Commission whereas through the same notification the qualification for the appointment/promotion of the Subject Specialist Teachers BPS-17 was prescribed that 50% shall be selected by promotion on the basis of seniority cum filness amongst the SETs possessing the qualification prescribed for initial recruitment having five years service and remaining 50 by initial recruitment through the Public Service Commission and the above procedure was adopted by the Education Department till 22/09/2002 and the appointments on the above noted posts were made in the light of the above notification. It was further averred that the Ordinance No.XXVII of 2002 notified on 09/08/2002 was promulgated under the shadow of which some 1681 posts of different cadres were advertised by the Public Service Commission.



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That before the promulgation of Act No.XVI of 2009, it was practice of the Education Department that sinstead of promoting the eligible and competent persons amongst the teachers community, they have been advertising the above noted posts of SET (BPS-16) and Subject Specialist (BPS-17) on the basis of open meril/adhoc/contract wherein it was: clearly mentioned that the said posts will be temporary and will continue only for a tenure of six months or till the appointment by the Public Serviced Commission Departmental Selection Committee That after passing the KPK Act No.XVI of 2009 by the Provincial Assembly the fresh appointees of six months and one year on the adhoc and contract basis including respondents no 9 to 1351 with a clear affidavit for not adopting any legal course to make their services regularized, have been made permanent and regular employees whereas the employees and teaching: staff of the Education Department having at their credit a service of minimum 15 to maximum 30 years have been ignored. That as per contract Policy issued on 26/10/2002

the Education Department was not authorised/entitled to





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hasis as the only appointing authority under the rules was
Public Service Commission. That after the publication made
by the Public Service Commission thousands of teachers
eligible for the above said posts have already applied but
they are still waiting for their calls and that through the above
Act thousands of the adhoc teachers have been regularized
which has been adversely effected the rights of the
petitioners, thus having no efficacious and adequate remedy
available to the petitioners, the have knocked the door of this
Court through the aforesaid constitutional petitions.

4- The concerned official respondents have furnished parawise comments wherein they raised certain legal and factual objections including the question of maintainability of the writ petitic is. It was further stated that Rule 3(2) of the N.W.F.P. Civil Servants (Appointment, Promotion & Transfer)Rules 1989, authorised a department to lay down method of appointment, qualification and other conditions applicable to post in consultation with Establishment & Administration Department and the Finance Department.

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That to improve/uplist the standard of education, the Government replaced/amended the old procedure i.e. 100% including SETs through Public Service Commission KPK for recruitment of SETs B-16 vide Notification No.SO(PE):-5/SS-RC/Vol-III dated 18/01/2011 wherein 50% SSTs (SET) shall be selected by promotion on the basis of seniority curn fitness in the following manner:-

- "(i) Forty percent from CT (Gen), CT(Agr), CT(Indust: Art) with at least 5 years service as such and having the qualification mentioned in column 3.
- (ii) Four percent from amongst the DM with at least 5 years service as such and having qualification in column 3.
- (iii) Four percent from amongst the PET with at least 5 years service as such and having qualification mentioned in column 3.
- (iv) One percent amongst Instructional

 Material Specialists with at least 5 years

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service and having qualification mentioned in column 3."

It is further stated in the comments that due to the degradation/fall of quality education the abandoned recruitment policy previous the promotion/appointment/recruitment and in order to improve the standard of teaching cadre in Elementary & Secondary . Education Department of KPK, vide Notification dated 09/04/2004 wherein at serial No. 1.5 in column 5 the appointment of SS prescribed as by the initial recruitment and that the (North West Frontier Provincial) Khyber Pakhtunkhwa Employees(Regularization of Services)Act. 2009 (ACT No.XVI of 2009 dated 24th October, 2009 is legal; lawful and in accordance with the Constitution of Pakistan which was issued by the competent authority and jurisdiction, therefore, all the writ petitions are liable to be dismissed.

5- We have heard the learned counsel for the parties and have gone through the record as well as the law on the subject.

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The grievance of the petitioners is two fold in respect of Khyber Pakhtunkhwa, Employees (Regularization of Services) Act, 2009 firstly, they are alleging that regular post in different cadres were advertised through Public Service Commission in which putitioners were competing with high profile carrier but due to promulgation of Act ibid, they could not made through it as no further proceedings were conducted against the advertised post and secondly, they are agilating the legitimate expectancy regarding their promotion, which has been blocked due to the in block induction / regularization in a huge number, courtesy Act, No. XVI of 2009.

7- As for as, the first contention of advertisement and in block regularization of employees is concerned in this respect it is an admitted fact that the Government has the right and prerogative to withdraw some posts, already advertised, at any stage from Public Service Commission and secondly no one knows that who could be selected in open merit case, however, the right of competition is ATTESTED KPK. instant case reserved. the

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(Regularization of Services) Act, 2009, was promulgated, which in-fact was not the first in the line rather N.W.F.P (now Khyber Pakhtunkhwa) Civil Servants (Regularization of Services) Act, 1988, NWFP (now Khyber Pakhtunkhwa) (Regulation of Services) Act, 1989 & NWFP (now Khyber Pakhtunkhwa) Adhoc Civil Servants (Regularization of Services) Act, 1987 were also promulgated and were never challenged by anyone.

8- In order to comment upon the Act, ibid, it is important to go through the relevant provision which reads as under-S.2 Definitions. (1)---

a)----

aa) "contract appointment" means appointment of a duly qualified person made otherwise than in accordance with the prescribed method of recruitment.
b) "employee" means an adhoc or a contract employee appointed by Government on adhoc or contract basis or second shirt/night shift but does not include the employees for project post or appointed on work charge



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basis or who are paid out of contingencies;
------ whereas,

S. 3 reads:-

Regularization of services of certain. employees.--employees recommendee of the High Court appointed on contract or adhoc basis and holding that post on 31st till the 2008. Οľ December, commencement of this Act shall be deemed to have been validly appointed on regular basis having same qualification experience for a regular post;

9- The plain reading of above sections of the Act, ibid, would show that the Provincial Government, has regularized the "duly qualified persons", who were appointed on contract basis under the Contract Policy, and the said Contract Policy was never ever challenged by any one and the same remained in practice till the commencement of the said Act. Petitioners in their writ petitions have not quoted any single incident / procedent showing that the regularized employees under the said Act, were not qualified for the post against



which they are regularized, nor had placed on record any documents showing that at the time of their appointment on contract they had made any objection. Even otherwise, the superior courts have time and again reinstated employees พิโดยอ อุทิทอintments were declared irregular authorities because Authorites, Government responsible for making irregular appointments on purely temporary and contract basis, could not subsequently turned round and terminate services because of no lack of qualification but on manner of selection and the benefit of the lapses committed on part of authorities could not be given to the employees. In the instant case, as well, at the time of appointment no one objected to, rather the authorities committed lapses, while appointing the private respondent's and others, hence at this belated stage in view of number of judgments, Act, No. XVI of 2009 was promulgated. Interestingly this Act, is not applicable to the education department only, rather all the employees of the Provincial Government, recruited on contract basis till 31st December 2008 or till the commencement of this Act have been

regularized and those employees of to other departments who have been regularized are not party to this writ petition.

10- All the employees have been regularized under the Act, ibid are duly qualified, eligible and competent for the post against which they were appointed on contract basis and this practice remained in operation for years. Majority of those employees getting the benefit of Act, ibid may have become overage, by now for the purpose of recruitment against the fresh post.

"beneficial and remedial". A beneficial legislation is a statue which purports to confer a benefit on individuals or a class of persons. The nature of such benefit is to be extended relief to said persons of onerous obligations under contracts. A law enacted for the purpose of correcting a defect in a prior law, or in order to provide a remedy where non previously existed. According to the definition of Corpus Juris Secundum, a remedial statute is designed to correct an existence law, redress an existence grievance, or introduced

regularization conductive to the public goods. The challenged



Act, 2009, seems to be a curative statue as for years the then Provincial Governments, appointed employees on contract basis but admittedly all those contract appointments were made after proper advertisement and on the recommendations of Departmental Selection Committees.

12- In order to appreciate the arguments regarding beneficial legislation it is important to understand the scope and meaning of beneficial, remedial and curative legislation.

Previously these words have been explained by N.S. Bindra in interpretation of statute, tenth edition in the following

"A statue which purports to confer a benefit on individuals or a class of persons, by reliving onerous obligations under contracts entered into by them or which tend persons against protect oppressive act from individuals with stand certain? whom they in relations, is called a beneficial legislations....In interpreting such a statue, the principle established is that there is no room for taking a narrow view but that the court is entitled to be generous towards the persons on whom the benefit has



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been conferred. It is the duty of the court to interpret a provision, especially a beneficial provision, Liberally so as to give it a wider meaning rather than a restrictive meaning which would negate the very object of the rule. It is a well settled canon of construction that in constructing the provision beneficent enactments, the court should adopt that construction which advances, fulfils, and furthers the object of the Act, rather than the one which would defeat the same and render the protection illusory..... Beneficial provisions call for liberal and broad interpretation so that the real purpose, underlying such enactments, is achieved and full effect is given to the principles underlying such legislation."

Remedial or curative statues on the other hand have been explained as:-

"A remedial statute is one which remedies defect in the pre existing law, statutory or otherwise. Their purpose is to keep pace with the views of society. They serve to keep our system of jurisprudence up to date and in



(34)

harmony with new ideas or conceptions of what constitute just and proper human conduct. Their legitimate purpose is to advance human rights and relationships. Unless they do this, they are not entitled to be known as remedial legislation nor to be liberally construed. Manifestly a construction that promotes improvements in the administration of justice and the eradication of defect in the system of jurisprudence should be favoured over one that perpetuates a wrong".

Justice Antonin Scalia of the U.S. Supreme Court in his book on Interpretation of Statute states that:

"Remedial statutes are those which are made to supply such defects, and abridge such superfluities, in the common law, as arise from either the general imperfection of all human law, from change of time and circumstances, from the mistakes and unadvised determinations of unlearned (or even learned) judges, or from any other cause whatsoever."

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13- The legal proposition that emerges is that generally

beneficial legislation is to be given liberal interpretation, the

beneficial legislation must carry curalive or remedial content.

Such legislation must therefore, either clarify an ambiguity or an omission in the existence and must therefore, the explanatory or clarificatory in nature. Since the petitioners does not have the vested rights to be appointed to any particular post, even advertised one and private respondents who have being regularized are having the requisite qualification for the post against which the were appointed, vide challenged Act, 2009, which is not effecting the vested right of anyone, hence, the same is deemed to be a beneficial, remedial and curative legislation of the Parliament:

This court in its earlier judgment dated 26th November 2009 in WP No. 2905 of 2009, wherein the same Knyber Pakhtunkhwa (Regularization of Servers) Act, 2009, vires were challenged has held that this court has got no jurisdiction to entertain the writ petition in view of Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, as an Act, Rule or Notification effecting the terms and conditions of service, would not be an exception to that, if seen in the light of the spirit of the ratio rendered in the case of

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LA.Sherwani & others Versus Government of Pakistan, reported in 1991 SCMR 1041. Even cinerwise, under Rule 3

(2) of the Khyber Pakhtunkhwa (Civil Servants) (appointment), promotion and transfer) Rules 1989, authorize a department to lay down method of appointment, qualification and other conditions applicable to the post in consultation with Establishment & Administrative Department and the Finance Department. In the instant case the duly elected Provincial Assembly has passed the Bill/Act, which was presented through proper channel i.e Law and Establishment Department, which cannot be quashed or declared illegal at this stage.

15- Now coming to the second aspect of the case, that petitioners legitimate expectancy in the shape of promotion has suffered due to the promulgation of Act, ibid, in this respect, it is a long standing principle that promotion is not a vested right but it is also an established principle that when ever any law, rules or instructions regarding promotion are violated then it become vested right. No doubt petitioners in the first instance cannot claim promotion as a vested right



(37)

but those who fall within the promotion zone do have the right to be considered for promotion.

Since the Act, XVI of 2009 has been declared a 16beneficial and remedial Act, for the purpose of all those employees who were appointed on contract and may have become overage and the promulgation of the Act, was necessary to given them the protection therefore, the other side of the picture could not be brushed a side simply. It is the vested right of in service employees to be considered for promotion at their own turn. Where a valid and proper rules for promotion have been framed which are not given effect, such omission on the part of Government agency amounts to failure to perform a duty by law and in such cases, High Court always has the jurisdiction to interfere. In service employees / civil servants could not claim promotion to a higher position as a matter of legal right, at the same time, it had to be kept in mind that all public powers were in the nature of a sacred trust and its functionary are required to exercise same in a fair, reasonable and transparent manner strictly in accordance with law. Any transgression from such



principles was liable to be restrained by the superior courts in their jurisdiction under Article 199 of the Constitution. One could not overlook that even in the absence of strict legal right there was always legitimate expectancy on the part of a senior, competent and honest carrier civil servant to be promoted to a higher position or to be considered for promotion and which could only be denied for good, proper

and valid reasons..

appointments on a higher post but they have every right to be considered for promotion in accordance with the promotion rules, in field. It is the object of the establishment of the courts and the continue existence of courts of law is to dispense and foster justice and to right the wrong ones. Purpose can never be completely achieved unless the in justice done was undone and unless the courts stepped in and refused to perpetuate what was patently unjust, unfair and unlawful. Moreover, it is the duly of public authorities as appointment is a trust in the hands of public authorities and it is their legal and moral duty to discharge their functions as



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Inistee with complete transparency as per requirement of law, so that no person who is eligible and entitle to hold such post is excluded from the purpose of selection and is not deprived of his any right.

Considering the above settled principles we are of the firm opinion that Act, XVI of 2009 is although beneficial and remedial legislation but its enactment has effected the in service employees who were in the promotion zone, therefore, we are convinced that to the extent of in service employees / petitioners, who fall within the promotion zone have suffered, and in order to rectify the inadvertent mistake of the respondents/Department, it is recommended that the promotion rules in field be implemented and those employees in a particular cadre to which certain quota for promotion is reserved for in service employees, the same be filled in on promotion basis. In order to remove the ambiguity and confusion in this respect an example is quoted, "If in any cadre as per existence rules, appointment is to be made on 50/50 % basis i.e 50 % initial recruitment and 50 % promotion quota then all the employees have been

ATTISTED



regularized under the Act in question be calculated in that cadre and equal number i.e remaining 50 % are to promoted. from amongst the eligible in service employees, other wise, eligible for promotion on the basis of sonority cum fitness." In view of the above, this writ petition is disposed of in the following terms:-

- *(i)* "The Act, XVI of 2009, commonly known as (Regularization Of Services) Act, 2009 is held as beneficial and remedial legislation, to which interference is advisable hence, upheid.
- (ii) Official respondents are directed to workout the backlog the promotion quota as per above mentioned example, within 30 days and consider the In service employees, till the backlog is washed out, till then there would be complete ban on fresh recruitments.

Order accordingly.

Announced. 26th January 2015 'Ù D G E White of presentation of Molicatio

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CERTIFIED TO BE TRUE COL

IN THE SUPREME COURT OF PAKISTAN (APPELLATE JURISDICTION)

PRESENT:

MR. JUSTICE EJAZ AFZAL KHAN. MR. JUSTICE SH. AZMAT SAEED. MR. JUSTICE DAZ UL AHSAN.

CIVIL PETITIONS NO. 127-P TO 129-P OF 2015. [Against The Judgment dated 26.1.20.15 of The Peshawar High Court, Peshawar passed In With Pelition No.2905 of 2009, 3-15 of 2009, 3-15 of 2009.]

The Chief Secretary, Govt. of KPK., Peshawar and others. ...Petitioner(s)

Attaullah and others. Nasruminullah and others. Mukhtar Ahmad and others.

:. Respondent(s)

(in all cases)

For the petitioner(s): Mr. Mujahid Ali Khan, Addl. A.G. KPK

For the respondent(s):

Mr. Ghulam Nabi Khan, ASC

Mr. Abdul Qayyum Sarwar, AOR

Date of Hearing:

20.09.2017.

ORDER.

Elaz Afzal Khan, J. The learned Additional Advocate General appearing on behalf of the Govt. of KPK stated at the bar that as per Instructions of the Government he does not press these petitions. Dismissed as such.

SEAL 20.09,20

Sd/-Ejaz Afzal Khan, J Sd/-Sh. Azmat Saeed, J Sd/-Ijaz ul Ahsan, J Certified to be True Copy.

Court Associate Supreme Court of Pakistan J Islamabad

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تیم پختی خوالی کشف ، دیپیشن، پوسینگ اور فراستر آف نجرز نیگروز ، استر کنز زاوردا کنز زر یکولیزی ایک 2011 ، نے پیشن ایر عربی آت کال ایم زران کار ایم ایک ایم نوروز ایک ایک ایم نوروز ایک متعلقه امنان کے سکوتی التی امید وارون سے جُوز و فارم پر 30 مجملی متعلقه امنان کے سکوتی التی امید وارون سے جُوز و فارم پر 30 مجملی متعلق امنان کے سکوتی التی امید وارون سے جُوز و فارم پر 30 مجملوب میں در فواست فارم (NTS) کی در بسرمائٹ (http://www.nls.pk) پر دستیا ہے مقر دروی درخواست فارم (NTS) کی در بسرمائٹ (http://www.nls.pk) پر دستیا ہے مقر دروی درخواست فارم (NTS)

T. C. Silv	نے سائل (http://www.nts.pk) پروستان ہے۔ مقررہ تاریخ اگرار نے کے بعد موسول: و نے الى ورخواسترانی	وب بین روز خواست فارم (NTS) کی	درخواشم سطا
	<u> تابلت</u>	نام آسای	نبرثار.
JU35721	من بحى تشكيم نهد وابي غدر من سيستانغة والإين ينظم والري جس سير ساقيدون ويل ووسنداس اوز في عول ر	کینفرن شول نیجر (SST)	*
	(i) سیمسٹری میانوی (و والوی یا بائن) (ii)۔ سیسٹری میانوی شدہ و بو خدر کی ست ایم اے ایم کیشن یادیج کیشن میں میکوو کریں۔	i	1 1
JU35721	ر ۱۷ کی می	سيخدري سئول نيجر (SST)	i i
00 301 27	(i)- فوكن مبتحس A يا-(ii)- فوكن مبتحس B يا-(iii)-فوكن ، بطيكس	فر <i>جم البع</i> ص	1
	(2)۔ مسمی محسمت میں شاخط دیویے میں ورش ہے ایم اے ایم کیشن یا ایم کیشن میں بیٹیز وائری ہے۔ ر	1	
ل-35,721 ال	(1) ممي مي تشليم فهد و مي نظور تي سنة سيئنظ أو ديان يتجرو أكر تي جس كساخية ورجة وبي ووصفها بين لاز تي يون _		1
	آ)۔انگریز نی اوز کی و دو مینی کروپ یادیگر مساوی گروپ۔		5
	2)۔ من ممکن تشلیم فعد و نویتدر خل سته انگراے ایم کیشن ماایم کیشن میں پیٹروز کر گ ۔ مدیری میں میں میں میں انگران کے ایک میں		1 .

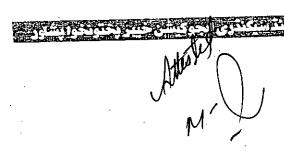
سنيكش كريزيا اما تذوي سنيكش كيف كريزيادن زيل ب كل 200 نبرات كالتيم ال طرت أل ما تين.

(۱) - سكرينگ تيست باريد NTS= 100 نبر (ب) تعلي 15 بيت = 100 نبر جس كام يقتيم ال طرع بري

ر سبات کان فاچیت = 100 مینز ، من ن حزید کیران فرخ بری	, 100 MOZILE 1
7.3	تعلين قابليت
ماش کردوبر 20x تسمیری بر	ن المركاد المر
المامل كردونبر 20x تقيم كالبر	الفاے / میدائی ق
راصل کردونبر ×26 تعمیری فیر	ن دان ۱ حان
مامثل کردو ٹیمر x15 تشتیم کی ٹیمر	الميارك المراش ا
ەسلىكىردۇلىر 15x ئىتىيىم كى ئېر	ين أيد أو المجانب المج
هامن کرده دنبر ×05 تعتیم کل نیر	الجالية أ الجائب الجيئن
ماهش کرد و نبر ×05 تقسیم بی نبر	ડાર્જીપ્ / પ્રેંદા
,,0,, 530,,	the second of the second of the second

نی این میار مناز کودن کی صورت می فیردن کانتیم می طرح و دوگی را معنی کروه فیر 35x تعمیری فیرد جیند پیشده اندایم * ایم است می کمشن ده مسل کروه فیر 20x تعمیری فیر

عرون كا الما المقرريال مكومت فير بخونو الكروية الني كامطابق بنياد ق قرر كا Initial Appoinmen في 25 فيسد



🗪 تک ورخواتی مطلوب ہیں۔ ووخواست فارم (NTS) ک دیب سائٹ (http://www.nts.org.pk) پر دسمیاب ہے۔ مقروہ تاریخ کزرنے کے بعد سرمول موقعال

فواحق يرفرون كراجا يكا

· · · · · · · · · · · · · · · · · · ·	تابت	drift.	أبرثاد
<u>, /</u> .	قابیت (i) ممی مح تسلیم شده نم نحد مثل سے سیکنڈ اوپڑ ن بیلر (اگر کی جس کے ساتھ دریجا کوئی دوسفہانٹین لازی اون ۔ (i) کیمسٹری، میالویٹی (زوالویٹی یا اپنی) سلکھ بیٹر ترویز میں	رىكىغەرى كىكرل فىچىر(SST) پىيالورى/	1
ا 155مال	(ii) مسلیکش اورتفر رکی کے بعد و باو کی لادی فریختان اداران RITE/PITE ہے مامسل کر ن ہرکی۔	1113-10-07	
1. 155.10	(i) کمی جمی تشکیم شده برخورش سے سیکنڈ او میزن بھیل داکری میں کے ساتھ درجا ایل دوسندا مین لازی ہوں۔ (i) نزئس میعمس ۸ یا (ii) نزئس میعمس ۱۱ یا (iii) زمر برخیک	1079(551)4070	2.
0033413	0 407	17.5	
	(۱۱) مسکیشن ارتغروی کے بعد وال کا لازی فرینک سکوس اداران RITE/PITE ہے ماس کر فی ہدگ ۔	216.06	- -
19 تا 15 سال	(۱) کاجمالسلیم شده نے نعوش ہے سیکنڈ اویژن پیلر اگری من کے ساتھ در رہ ز ل درمضا مین لازی ہوں۔ (۱) کی مزی لازی ہو مینوں کی ہے ۔ رہ کہ یہ رہ کی ہے اور کا	77(SST) 7-07-07-2	,
	[[11] مین از نفر دی کے بعد قومان کی لا ڈی کر بیانک مکوئی ادار در یا RITE/PITE سیام کر کی میں گا	nrs-16	ـــــــــــــــــــــــــــــــــــــ

يا: اسائذہ كے سليكشن كيللے كريٹيريا درج ذيل هے ـ كل 200 نمبرات كى تنسيم اس طرح سے كى جائيكى -

ļ	7() (() ()	م ک برایسیم ای فرن سری	ملى قابليت = 100 نمبر	د راید NTS=100 نبر (ب)	(۱)سکرینگ میٹ
	لی ایس جارسال کورس کی صورت میں فیمروں کا تشیم اس طرح ہوگ۔ ماسل کردہ فیمر × 10 کنسیم کل فیمر جیکہ پیٹ	34 W. W.			·
	وراشا يم اسے ايم كيشن كى مورت يم لبرك تقيم بطريقة إيل موكى _		للكامة إيت	کل قبر	لعثيما لأبليت
I	ایم استا بم کیفن مامل کرده فهر ۱۵ تحتیم کل فهر (5 فهر لحاه <u>ل</u> ے+۱۶ یم ایل)	ماري تريوه البركار	الإرابيراليس	مامل كرد ونبر × 20 تعيم كل نبر	اليماليماي
	الله بين الركال الركيل المركيل مليمه ومليمه وميرث لسك مرحب كي جا ليل من جي اميد وارون مر ١٣٥٨	مامل كرد ولبر 20x تعبيركل أبير	الم الم الم الم	مامل كده نبر 20x تتيم كل نبر	
	کرمای در اردار داری ایسان کا کا بایا مین عل 40 ایسان علی ایسان مین علی ایسان ایسان کا مین علی ایسان کا مین علی	مال کرد، فبر ×05 تشیم کل فبر	الم الداام اسعام كمش	مامل كرو، فبر x 05 تعيم كل فبر	
١	موليا حكر له الله الله الله الله الله الله الله	7,01		مامل کرده نمبر × 10 تنسیکل نمبر	15/0/J/08/1

-10 ليلك يم مركي الالميقات الم الدرركادر مرث لسد عر شال ال مراء عدی صد انتا : د (۱) تمام تقرریان مکرمت نیبر پخونوا کے مرور قرائین کے مطابق 25 لید بنیادی تقرری (Inicial Appoinment) کے کوٹ فالعتا عارض بنیادی بالم اس محدود میں اللہ باک اس محدود کے ایک مال کیلے ہوگا۔(1) معذور افراد کیلے دو فعد اور اقلیتی امیدواروں کیلئے تین فید کو کمتس ب (معذور افراد کے دو فید کو لمحتس ب جس کیلئے سینڈ تک مید ملک ہور اکا سرمیلی میں دان ہے بعر طیک و معذوری فراکنس کی افہام دی میں رکا دے دو ہو (3) اخرد م ك وقت اللي الناد بعد افراجات اميد واركر بداشت كرنا بوقع كيا آل والي اميد وارول كوكل TNDA تين دياجا يكار (5) مرف مترن وقت ك اعدم مول بوغد الى ورقواستون بوفر كياجا يكار (6) دروت كل کوافتیار ماسل ہے کدوہ کو اور مناع بغیر کسی وقت کی باجروی مار پر انظرو بامنون کروے۔ (7) اگر اس اشتہارے بدر محدمت وقت کی طرف ہے محرف کے طرف کا کی وسکیٹن کمیٹی اس کے مطابق ممل کرنے کی بایند ہوگا۔(8) محل المبيرى اين كين درايج يمن كراميار مامل موكاك ماميون إس سے كم براميد واد محرل كرے۔ (9) كمام تتر رياں مكومت نيبر پختو تو اسے متر وكرد و تو انين و مجل افترام ما ان خالعت امر ك بنيا و بر مول كا۔ (10) تمام ھلی استادمرا کورنسٹ کے تلیم شدہ اداروں کا قائل آول ہوگی۔(11) اگر کسی امیدوار کی استاد جمل پائی سمی آواں کے طاف قالون جارہ جمل کی جائے گی اور آسمندے کے اے سرکاری طاومت کے لئے الی تسور کیا جائیا۔(12) جمل قارم یا معلو مات ک مورت میں دوخواست فارم خود بخو ومنوخ اصور کیا جائی میں کے لئے کو گیا ایل منظور نیس کی جائے گیا۔ (13) اعروع کیلیے الگ شیاد ال جاری کیا جائیا جس میں ڈاکومنٹس چیک کے جامیتے۔ (14) تام تقرر ماں متعلقہ اصلاح کے وہا کل ک بنیادی ہوگی۔ میدوارکا دومیاک متعلقہ ملے کا مالادی ہے۔ 2012م کے بعد ہے می کی حم کی تبدیل قال الدور (15) ایسیدار کو ای کا میروی کی اور کا ایک الیدار کی کا تو کولوں عرافال آسابوں کیلے درخواست دے مکا ہے۔امیدوارے ایک ایک سے دیادہ سکولوں عی سیکٹن کا صورت عمل اس کی جائے گی اس صورت عمل سکوٹن کا احتقاق امیدوار کو ماس فیس ایک اس میں اس اے کا خیال د کما جان کود مرے کول عمد اس کے بعد زیادہ میرے والے اسیدوار کوسی کا مرفع ل سے۔ (17) درخواست دیے کا طریقہ کار SNTS کا و عبدمانٹ میمنوجود ہے۔ (18) متعلقہ اطلاع کے فالی آمامیوں کا تعمیل سکول وائز دوخواست فارم كساتم NTS كا عبدمانك يدى كل عادد برسكول كاناكاد وإكماع.





المورد المورد المورد المورد والمورد و رق الرقوات وروز (NTS) كي ويب ماك (http://www.ms.org.pk/) بروتياب به مقررة وري كارت كا بعد موسل والد والحار فواح الدير

وخواستون بالوجي	ر المراجع المر		<u>-12-</u>
/		, JULY	1
	م پیرین کنامی شنیم شده پر نفورن سے میکند (در من بیش اگری میں کے ساتھ درج ذیل درمضا شاہد اوری دوں ۔ (۱) مجسئری نمالورڈ (۱) دردو نہ سازی ا	ئىندۇرىئول ئىر SST ياۋى	
:21	\(\lambda_1 \cdot	BPS.163,-43	
35 مال	هُ) كَيْ جَيْ سَلِّيم شَدِ وَلِي نَوْرِينَ بِهِ إِنْ إِنْ إِنْ الْمُؤْرِدُ مِنْ مِنْ عَلَى إِنَّ ال	مِينَا مِنْ مُولِ عَيْرِ SST	+-
.521	(۱) کې ځې سيم مندوي غير ځې په پښتارنو و پرو پيلو وکړ نه جر سي پر سي د پر د و په پروند و په د د د و په د د د و پ		
ا ۲۲۰ ا 35سال	~ ((iii) lb		
. •	2) کی جمی تشنیم شده و نادر تن ہے ایم اے ایم کیشن وا میج کیشن میں پیٹر اگری 1) کی جمی تسلیم شد و بولیون ہے ایک	يَّنْهُ رَنْ سُرِّلَ عِي SST	
:21 -	۱) کی بھی تسلیم شد و یو ند بنی ہے سیئند ذو ریٹان پیچر و کری جس کے ساتھ در بن ذیلی دہ ضاعت اور بی دوں۔)اتمریز ای لازی بیرمیعید کروپ ایا دیکر ساول کروپ (2) کسی بھی تشنیم شد و یو غور تن ہے ایم اے انج پیشن والے پچھکش میں پیچر و کر فوا	BPS.16J%	
35 بىلل	يج يُشْنِ مِن عِيرِو رُونَ اللهِ	ا الله مسلولي	يــــــــــــــــــــــــــــــــــــ
	ي تي گل 200 نم ديد کي مشرور کو چي در و او در	الما ما مروت مستن لريخ ياورج فرخ	<u>.</u> ·

ن توسيخ بالساسالة وك مسلطن كرين بلواريخ في ال بن الحل 200 فبرات كي مسران فرع كي بالمساكي . ئىينىڭ ئىست بەرىيە NTS 100 نېر

(ب) تعلی ، بلیت=100 نبر بس کام پرتشیمان طرن بوگی۔ لغشى كاينيت

التحاليماي

رامل کرد ونبر 20x تعمیری ایف اے *اویف ایس* ہی مال كردونير ×20 متيم في نير نِ السَّانِيٰ الْحَرَّيِّي مامل کرد و نبیر 20x تشیری نیر المجائب الأنمانين مامل گروز نیسر ۱5x تشییری نیسر فالداوم الميانيل مامل کرد ونبر ۱5x سمیری نبر

المماية اوتمالت الجوكيش مامنل کرو ونیر ×05 تشییر کی نیر હાઉણો^{હોં}ટ્રો

ں جا رسال کوری کی صورت میں فیسے وال کی تعلیم اس طراح اور المامل کروہ البر×35 تعلیم کی آب رہے ہوئے ہیں۔ ایم کیش مار مال کوری کی صورت میں فیسے وال کی تعلیم اس طراح اور البر×35 تعلیم کی آب رہیں جائے ہیں کی صورت میں فیم کی تعلیم اور اور ایس اور کی اور کی اس

ے ہوں کا میں میں ہوئیں۔ 14 مرسول کا قیال کیا تا ماقی کیلئے ملیحہ و ملیکھ و میرٹ کٹ مرتب کی جانگی جس میں امیدوارٹ کے اور کا میں امیدوارون کے NTS کے مامل کردہ فیمراورتقلی کا بیٹ کے فیروں کو نٹن کیاجائے کا بیٹ الرائي STS في ورفوات فيرم 300 وو بالمان كي لائية المراكب الميوازيا في سكون ك الميرووات و المام المان المراكب الميوازيا في سكون ك الميرووات و المام المان المراكب الميروون المراكبة الميروون المراكبة الميروون المراكبة المراكبة الميروون المراكبة الميروون المراكبة المراكبة المراكبة المراكبة المراكبة المراكبة المراكبة الميروون المراكبة الم

مؤمن شرانط 1) كَمَّامِ تَقْرِ بِالْ عَبِمِت نِبِرٍ ، كَوْ تَوْ الْمُعَامِدِةِ النِي كَامِعَ إِنَّ مِياهِ فِالْقِرِ وَلَا اللهِ عَالِمَةُ عَلَيْهِ وَالْمِعَ عَالِمَةُ عَالِمَةُ عَالِمَةُ عَالِمَةُ عَالِمِينَّ الْمُعَامِدِينَ الْمُعَامِدِينَ الْمُعَامِدِينَ ن پ Adhoc کشریک پرایک سال کیلیے برس کی 2) معذورافراد کیلیے وو فیمیر امرا قطیت اسید واروں کے لئے تین فیمیر کو فتس ہے (3) امروی کے وقت امسان تعلی استوریمد ت موجد و مسترح و بسار ما ما ما ما من بسار الموجد و من المنطق المنطق و المنطق و المنطق الموجود المنطق و المناورة واسترق الشاميد وارتو بمدايت كرما ول سكند 4) التروم كيلغ آن والسلاميد المول أوكون في السافق و بالمنطق المرام ومعل والمنطق والفرور فواسترق ياب يكارة) زيد تنفي كوالتيار مامن ب كدواً في بعيد ما يغير من من وقت كي ياز ون خور براغ و يومنون كرديء ٦) وأرس اشتبارك بعد منومت وقت في خرف سدار في رینه کار می تهد کی کی توسلیکش کینی ان کے مطابق من کرنے کی بایند ہوگی کا کار بیٹینر ٹی ایج کیشن کوا متیار ماصل ہوگا کہ وہ تام نافی آ سامیاں واس سے آپ ر الرق كرے 9) تنام آمر رياں مؤمن فيم پخونوا كے مقر كرو وائن و كون وطريته كارك مغابق خالفتا محرث كى بنياد پر بين كى 10) تنام تعلى الناد مرف كور لمنت كے تنام كَيَا لِبُكِ يَ مُكُلُ وَرَمِيا مَعْلَمُ مَاتِ فَكُ مُورِت مِنْ وَمُوالِبَ وَرَمِ فَوَالِمُ وَمُنولُ مِنْ مِن لَا بِأَنْ كَا جِن كَ لِكَ أَيْلًا مِنْكُ مِنْ أَيْلًا مِنْكُ أَيْلًا مِنْكُ أَيْلًا مِنْكُورُ فِي لِلِكَ اللَّهِ مِنْ أَيْلًا اللَّهِ مُولِيكُ أَنْكُ مِنْ مُولِيكُ أَنْكُ أَيْلًا مِنْكُورُ فِي لِللَّهِ اللَّهِ مِنْ فَي لَكِنْكُ اللَّهِ مِنْ فَي لَكِنْكُ اللَّهِ مِنْ فَي لَكُلُكُ اللَّهِ مِنْ فَي أَيْلًا اللَّهِ مِنْ فَي أَيْلًا اللَّهِ مِنْ فَي أَيْلًا اللَّهِ مِنْ فَي أَيْلًا اللَّهُ مِنْ فَي أَيْلًا اللَّهِ مِنْ فَي أَيْلًا اللَّهِ مِنْ فَي أَيْلًا اللَّهِ مِنْ فَي أَيْلًا اللَّهُ مِنْ فَي أَيْلًا اللَّهُ مِنْ فَي أَيْلِيلًا اللَّهُ مِنْ فَي أَيْلًا اللَّهُ مِنْ فَي أَيْلًا اللَّهُ عِلْمُ أَيْلًا اللَّهُ مِنْ فَي أَيْلًا اللَّهُ مِنْ فَي أَيْلًا اللَّهُ مِنْ فَي أَيْلًا اللَّهُ مِنْ فَي أَيْلًا اللَّهُ عَلَيْكُ اللَّهُ مِن لَهُ مِنْ فَي أَيْلًا اللَّهُ عَلَيْكُ اللَّهُ مِن مُنْ فِي أَيْلًا اللَّهُ عَلَيْكُ اللَّهُ عَلَيْكُ اللَّهُ مِنْ أَيْلًا مِنْ أَيْلًا اللَّهُ عَلَيْكُ اللَّهُ مِنْ مُنْ أَيْلِيلًا اللَّهُ عَلَيْكُولُ اللَّهُ مِن مُنْ أَيْلًا مِنْ أَيْلًا اللَّهُ عَلَيْكُ اللَّهُ عَلَيْكُ اللَّهُ مِن أَنْ مِن اللَّهُ عَلَيْكُ اللَّهُ عَلَيْكُ اللَّهُ مِنْ أَيْلًا مِنْ أَيْلًا مِنْ أَيْلًا اللَّهُ عَلَيْكُ اللَّهُ مِنْ أَيْلًا مِنْ مُنْ أَيْلًا اللَّهُ مِنْ أَيْلًا مِنْ أَيْلًا مُعْلِمُ اللَّهُ مِنْ أَيْلًا اللَّهُ مِنْ أَيْلًا مُعْلِمُ اللَّهُ مِنْ أَيْلًا مُعْلِمُ مِنْ أَيْلًا مُعْلِمُ اللَّهُ مِنْ أَيْلِيلًا مِنْ أَيْلًا مِنْ أَيْلًا مِنْ أَيْلًا مِنْ أَيْلِيلُوا مِنْ أَيْلِيلُولِيلًا مِنْ أَيْلِيلًا مِنْ أَيْلِيلًا مِنْ أَيْلِيلُولِيلًا مِنْ أَيْلِيلُولِيلًا مِنْ أَيْلِيلُولِيلُولِيلًا مِنْ أَيْلِيلُولِيلًا مِنْ أَلِيلًا مِنْ أَيْلِيلُولِيلُولِيلًا مُ ب الكيام على ما الكيامية والمبيك وقت 5 سكول عن منافي أساميو في كيليج ووفوات و ما منافي من ما يكون كي مورية عن اس أن ق کن ایک سُول عَی کی بات کی اس مورت بی سُرکل سلیکن کا استفاق آمیداد کو مامل نیس بیک این بات کا خیال رکما بات کا کرد بهرے سُلوں عی اِن کے بعد زیادہ ے والے امید وار کوسکینٹور کو موق فل سے به 17) ور فوارت اسٹے کا محرکیت کا مرکز کا کے ویب سائٹ پرموجود ہے۔ 18) متعلقہ امتلاق کے فاقی آ سامیوں کی تنسیل سٹول وازد

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المرز مختونو الدا النعث أو بيوليشن أبيسطيك الدرنوانسفراً ف لمجرد المجرد الشرائز والدوا اكثر ويكوليزي البك 2011ء كه يشكن أبيسطيك الدرنوانسفراً ف لمجرد المجرد والشرائز والدوا اكثر ويكوليزي البك 2011ء كه يشكن أبيسطيك الدرنوانسور و جودي 2014ء كما المؤلف المستعدد المناب مستعدد المناب كالمستعدد والدول سد مجود والدرن بر5 جودي (hittp://www.nts.org.pl/ كارت المراب المراب

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į		تابيت	- UL-111	
1322		محلي يحل المبلم شده الإخداش بيريكا أويان يتلاز أكري فيكسا تحدارة ذيل ودمضا من لازي ودل	رينندري سکول نيچر (SST)	16.
J.		(۱) کیمسٹری میالوی (زوانو کی وہا گا) 🔑 (2) کی آئی تنگی جندونی اندوش سے ایجا ہے ایج کیشن بیا ایج کیشن میں تیلم (گرین 👚	بیالو. نی / کیمسٹری 16-BPS	
512	11/2		عندرى كالمالي (88)	
		(P) فريكن يستيم أن A في الأن أو م في إلا إن فرنجها المستكم، إيس كان كان المي شده بي المياسة المياس الميكش والمجيش عن يثلم	·BPS-1€	
5ŀ2·		و سن الله الله الله الله الله الله الله الل	سينفري سكول المنظر ((35)	3
į,	13/	(۱) انحریز کالازی بومینشر آروپ یادیگر ساله کاگروپ (2) سمل مجمی شلیم شده بویندرش سے ایم اے ایم بیش یا ایم بیشن می پیلرا	8PS-15راب	1

آما تذہ کے لیکٹن کیلئے کریٹریادرن ذیل ہیں۔کل 200 نمبرات کی تشہراس طرن سے کہ جائیں۔ (اسٹریٹنک نیٹ باداید HTS = 100 مبر ر براقلیم قابلیت ایس میں میں تک میں اس میں کئیں۔

A STATE OF THE STA		·· 	
کل نسر کی کانگا	أ تنتيمي فابليت	كلَ يَعْلِيْنِ	تعليمي فالبليت
をプレデー15×メールがし	بْ الْمُرَاجُ السَّالِكِ الْمُ	ما من کرده انبریدی شد کل نبر	الحرابيل أوالي
ラングで ³ 05xノンバング。	النام المُهامُ أَلَى أَبِي الْمُهَامُ الْمُهَامُ الْمُهَامُ الْمُهَامُ الْمُهَامُ الْمُهَامُ الْمُهَامُ	عال أروار بريانية الميانية	النيداب أأليث البراي
電影ができるxxinがし	36 的意见特别。	AN COMMENTAL OF THE SECOND	30/11/4-10
NEW CONTRACTOR OF THE PROPERTY	المن كرزه إسرية ١٤ تشييخ أنبر	· · · · · · · · · · · · · · · · · · ·	321/21/21/2

نظار - ابر سول کے آپہای کیلے علیمہ میلیدہ میرسد لسٹ مرتب کیا جائزہ میں کا امیدوادون کے ۱۳۵ ایک عاص کرد ونمراور تعلی تابلیت کے نبروں کوئع کیا جائزہ۔ - تیرامیدوار نے کا آگائی دوخواست فام 300 روسے جادع کر میکار ہیدوارخود پرواٹھ نا کریتھے۔

ای شران (۱) نام تر رئیل می موسد تیم بی خواسے فروی آئیل کے دوائر کی بادوان میں کا کھی انداز کی بادوان کو انداز کی بادوان کو کھی کے انداز کی بادوان کو کھی کا انداز کی بادوان کو کھی کا کہ بادوان کو کھی کہ کو کہ بادوان کو کھی کہ کہ بادوان کو کھی کہ کہ کہ بادوان کو کھی کہ بادوان کو کہ بادوان کو کہ بادوان کو کہ کہ بادوان کو کہ بادوان کو کھی کہ بادوان کو کہ بادوان کو کھی کہ بادوان کو کھی کہ بادوان کو کھی کو کھی کہ بادوان کو کھی کو کھی کو کھی کہ بادوان کو کھی کو کھی کو کھی کہ بادوان کو کھی کو کھی کو کھی کو کھی کہ بادوان کو کھی کہ بادوان کو کھی کو کھی کو کھی کو کھی کو کھی کو کھی کہ بادوان کو کھی کو کھی کو کھی کو کھی کو کھی کو کھی کھی کو ک

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GOVERNMENT OF THE KHYBER PAKHTUNKHWA ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT.

NOTIFICATION

Peshawar, dated the November 13,2012.

No.SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre:- In pursuance of the provisions contained in sub rule (2) of rule Joyine Khyber Pakhtunkhwa Civil Servants (Appointment, Premotion and Transfer) Rules, 1989 and in supersession of all Notifications is used in this behalf, the Elementary and Secondary Education Department in consultation with the Establishment Department and the Finance Department hereby lays down the method of recruitment, qualification and either conditions specified in the Appendix to this Votification which shall be applicable to all the posts specified in Column No. 2 of the

Codst. No & Date as ac

SECRETARY TO GOVERNMENT OF THE KHYBER PAKHTUNKHIVA Y EDUCATION DEPARTMENT.

Copy forwarded to:-

- 1. The Secretary to Govt. of Khyber Pakhtunkhiva, Establishment Department.
- 2. The Secretary to Govl. of Khyber Pakhtunkhwa, Finance Department.
- 3. The Secretary is Govt. of Khyber Pakhlunkhwa, Law Department.
- 4. The Secretary Kryber Pakhlunkhwa, Public Service Commission Peshawar, S. The Accounted General, Khyber Pakhtunkhwa Peshawar.
- 6. The Director (E3SE) Khyber Pakhtunkhwa Peshawar. 7. The Director Education (EATA), Peshawar,
- R. Copy to MelSan Charles KbK

8. The Director Curriculum & Teachers Education Atacttabad. 0. The Director (PITE) Khyber Pakhlunkhwa Peshawar. 10. The Official Plantage Pathor of Entry & Secondary Education Khyber Pakhtunkhwa, Peshawar/ 11. The Deputy Director Database (EMIS) E&SE Department. 12. All District Coordination Officers in Khyber Pakhterkhwa. 13. All Executive District Officers Elementary & Secondary Education in Khyber Pakhtupksiwa. 14. All District Accounts Officers in Khyber Pakhtunkhwa /Agency Accounts Officers FATA. 15, All Agency Education Officers FATA. 16. P.S to Governor, Khyber Pakhtunkhiva. 17. P.S to Chief Minister, Khyber Pakhtunkhwa. 18. P.S to Chief Secretary, Khyber Pakhtunkhwa 19. PS to Minister E&SE Khyber Pakhlunkhwa Peknawar. 20. PS to Secretary E&SE Department. 21. Master File. Sechon Officer (Primary) ATTESTED

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7	or i i rik	COPT	UF	ANNEXURE.		Ŋ

PAGE-

	Test		APPENDIX		48
1	S.NO.	Nomenclature	Minimum	Age	Method of
1		of the post	qualification; and	limit	recruitment.
1	Ì		experience for		
			initial appointment		
.	1.		or by transfer.	,	,
	1.	Secondary	3. <u> </u>	4.	5
	· /	School \	(i) Second class	18 to	(a) Fifty percent
<u>.</u>		Teacher	Bechelor's Degree with two subjects	35	by promotion
OF	1 ->	(BPS-16) /	as Chemistry,	rears.	on the basis of
			Botany, Zoology,		seniority-cum- fitness in the
	esi S	test	Physics,		following
0.0	10.81		Mathematics,		manners.
TEN			Statistics	: 1	(i) forty percent
			Humanities and	÷	from amongst
-			other equivalent		the certified
			groups from a		Teachers
	,		recognized		(General).
		·	University: or	Ì	Certified
			(ii) M.A in		Teachers
			(II) M.A in Education or	·	(Industrial Arts)
			Bachelor's Degree		and Certified Teachers
			in Education from		(Home
			a recognized		Economics) with
			university.		at least five
					years service as
					such and having
				•	qualification
					mentioned in
		ļ			column No. 3.
	-	,			(ii) four percent
					from amongst
-		Quata	hus heen alle	eated	the Drawing
	¥	No pronce	hus been alle		Masters with at
	7	ex PST 25 6	adre-		least five years service as such
	1				and having
•	/				qualification
					mentioned in
		# 		į	column No. 3.
			<u> </u>		(iii) four percent
		-	and I		from amongst
			R.A		the Physical
			Nue SY'		Education
•]. :	13000 / /		Teachers with
	.	į	U' 1/1		at least five
	$\mathbf{x} = \frac{t}{t}$		M. M.		vears service





		(iv) one percent from amongst the Instructional Material Specialists, with at least five years service as such and having qualification mentioned in column No. 3, and (v) one percent from amongst the Arabic Teachers with at least five years service as such and having qualification mentioned in Column No. 3, and
		(b) fifty percent by initial recruitment.
2.	Seniority Arabic Teacher (SAT) (BPS-16)	By promotion on the basis of seniority-cum-fitness from amongst Arabic Teachers with at least five years service as such and having qualification as prescribed for initial recruitment of Arabic Teacher.
3.	Senior Theology Teacher (STT) (BPS-16)	 By promotion on the basis of seniority-cum-fitness from amongst Theology Teachers with at least five years service as such and having qualification as prescribed for initial recruitment of Theology Teacher.
4. Senior Certified Teacher (SCT) (General) (BPS-16)		By promotion on the basis of seniority-cum-fitness from amongst Certified Teachers with at least five years service as such and having qualification as prescribed for initial recruitment of Certified Teacher (General).

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j			(50)
J	· · · · · · · · · · · · · · · · · · ·	ER COPY O	(i) Second Class By initial recruitment
	.0.	Arabic	
			Secondary School Certificate from a
i	İ	. , ,	CC CITICOLO III
	•	15)	recognized Board with
			Shahdatul Alamia Fil Uloomul Arabia wal
			Islamia from or Darul
			Uloom Saidu Sharif
-			Swat, Darul Uloom
	,		Darosh Chitral,
			Government run Darul
	-		Uloom, as notified by
			the Government from
			time to time; or
			(ii) Second Class
		3	Master's Degree in
		,	Arabia from a
			recognized University.
-	11.	Theology	(i) Second Class (a) Seventy five
	11.	Teacher	and the second s
.		(TT) (BPS	- Certificate from a recruitment; and
		15)	recognized Board with (b) twenty five percent
			Shahdatul Alamia Fill by promotion on the
			Uloomul Arabia wal basis of seniority-cum-
į			Islamia from or Darul fitness from amongst /
			Uloom Saidu Sharif the senior Qaris with
			Swat, Darul Uloom at least five years
	. 1		Darosh Chitral, service and having
			Government run Darul qualification
			Uloom, as notified by prescribed for initial
			the Government from recruitment of
			time to time; or Theology Teacher;
			(ii) Second Class Note: In case of non
	 		Master's Degree in availability of suitable Arabia from a person for promotion
			1 (((((((((((((((((((
			recognized University. then by initial recruitment.
	ļ		I By promotion on the I
	12	. Senior C	hasis of seniority-
		(BPS-15)	cum-fitness from
			amongst Qaris with
			at least five years
-14 -15 -15 -15 -15 -15 -15 -15 -15 -15 -15	١,٠		$(/ / \lambda)$ having qualification
η			as prescribed for
			initial recruitment.
4	. 1	3. Certified	Bechlor's Degree or (a) Forty percent by
ł	1	Teacher	equivalent qualification initial recruitment; and
		(Genera	



(b) sixty percent promotion on the basis of seniority-cum-fitness. from amongst the School Primary Head Teachers with at least five years service and qualification havina for initial prescribed recruitment of Certified Teacher (General).

Provide that if no suitable candidate is available amongst Head Primary School Teachers for transfer, then the posts will be filed by promotion on the basis of seniority-cumamongst fitness from senior primary school teachers with at least five years service and having qualification prescribed for initial recruitment of certified ·teacher (General).

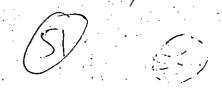
Note: In case of non availability of suitable person for promotion then by initial recruitment.

- 14. Certified
 Teacher
 (Industrial
 Arts) (BPS-
- (i) Bachelor's Degree from a recognized University with two years training in the relevant technical subjects from any Government industrial or Govt: Technical vocational Institute or Centre; or (b) Bechlor's Degree
- (a) Forty percent by initial recruitment; and (b) sixty percent by promotion on the basis of seniority-cum-fitness from amongst the primary school head teachers with at least five years service and having qualification prescribed for initial recruitment of certified teacher

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Nomenclature of the post. Nomenclature of the post. Minimum qualification and experience for initial appointment or by transfer. Age limit.				•	
initial appointment or by transfer. 2. 1. Second class Bachelor's Degree with two subjects as Chemistry, Botany, Zoology, Physics, Mathematics, Statistics Humanities and other equivalent groups from a recognized University; or (ii) M.A. in Education or Bachelor's Degree in Education, from a recognized University. (iii) M.A. in Education or Bachelor's Degree in Education, from a recognized University. (iii) M.A. in Education or Bachelor's Degree in Education or Bachelor's Degree in Education, from a recognized University. (iii) Tour per cent from amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No.3: (iii) four per cent from amongst the Physical Education Teachers with at least five years service as such and having qualification mentioned in column No.3:		ancluture of the	Minimum qualification and experience for	· V8c ·	Method of recruitment.
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1. Secondary School Teacher. (i) Second class Bachelor's Degree with two subjects as Chemistry. Botany, Zoology, Physics, Mathematics, Statistics Humanities and other equivalent groups from a recognized University; or life to the factor of Bachelor's Degree in Education, from a recognized University. (ii) M.A. in Education or Bachelor's Degree in Education, from a recognized University. (iii) M.A. in Education or Bachelor's Degree in Education, from a recognized University. (iv) Certified Teachers (Agriculture). Certified Teachers (Home Economic) with at least five years service as such and having qualification mentioned in column No.3: (iv) Four per cent from amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No.3: (iii) four per cent from amongst the Physical Education Teachers with at least five years service as such and having qualification mentioned	SNO	D031.	3	1	5.
Physical Education Teachers with at least five years service as such and having qualification mentioned		2	(i) Second class Bachelor's Degree with two subjects as Chemistry. Botany, Zoology, Physics, Mathematics, Statistics Humanities and other equivalent groups from a recognized University; or (ii) M.A in Education or Bachelor's Degree in	limit. 1.1 18 to 3.5 years.	of seniority cum-litness, in the following manner: (i) forty per cent from amongst the Certified Teachers (General). Certified Teachers (Agriculture). Certified Teachers (Industrial Arts) and Certified Fenchers (Home Economics) with at least five years service as such and having qualification mentioned in column No. 3: (ii) four per cent from amongst the Drawing Masters with at least five years service as such and having qualification mentioned in column No.3:
and having qualification mentioned	المتحويم				Physical Education Teachers with
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		:			in column No. 3:

		(i) Second Class Secondary School Certificate, 20 to 35 By initial recruitment
T	Arabic Teacher (AT)	from a recognized Board with Shahdalul years.
	(BPS-15)	Alamia Fil Uloomul Arabia wal Islama Irom
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1	- :	Government run Darul Uloom, as notified by
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		(ii) Second Class Master's Degree in Arabic from
Í		(i) Second Class Secondary School Certificate, 20 to 35 (ii) Section
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•		(ii) Scood Class Master's Degree in Islamiyat recruitment.
	1	from a recognized University. By promotion, on the basis of semiority-cum-
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٠.	Senior Qari	limess, from amongst Quits, com a visit
	[HIPS -15].	years service as such and having qualification
	\ .	prescribed for initial recruitment.
		Bachelor's Degree or equivalent qualification from a 18 to 35 (a) Forty per cent by initial recruitment; and
•	(General) (BPS-15).	recognized University with Certified Teacher years.

ATTESTED

	Sy :
	Certificate or two years Associate Degree in Education from a recognized University or eighteen months Diploma in Education. (b) sixty per tent by promotion, on the basis of seniority-cum-fitness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recadinate is available amongst the Primary School Head Teachers for transfer, then the posts will be filled by promotion on the basis of seniority-cum-fitness, from amongst Senior Primary School Teachers with at least five years service and having qualification prescribed for initial recruitment of Centified Teacher (General).
	Note: In case of non availability of suitable person for promotion, then by initial recruitment.
Certified Teacher (bidostrial Arts) (BPS-15).	(i) Bachelor's Degree from a recognized University with two years training in the relevant technical subjects from any Government Industrial or Govt. Technical Vocational Institute or Center; or (b) Bachelor's Degree from a recognized (b) Bachelor's Degree from a recognized (c) Feray per cent by initial recruitment; and (d) Forty per cent by promotion, on the basis of seniority-com-litness, from amongst the Primary School Head Teachers with at least five years service and having qualification prescribed for initial recruitment of Certified Teacher
	ATTESTED



Primary School Teacher



Cotegory of Quulification	Total Marks 100 For Humanities group at Intermediate Level	For Condidate of Science group
22(.	Marks obtained X 20 / total marks =	3 Extra marks for FSc, 5 Extra marks for B.Sc and 5
W22C	Marks obtained X 10 / total marks =	Estro marks for M.Sc will be added to the total . score obtained by a condidate during his selection
B.1/0Sc	Marks obtained X 25/ total marks =	
PST Certificate/ Diploma in Education /ADE	Marks obtained X 20 / total marks =	
MAMSJM.Ed/MA Edu	Marks obtained X 20 / total marks = .	
MPhiUPhD	Marks = 05	

Other conditions:-

1. The conferenced suppointing Authority wift seminize and verify the documents and make the appointment as per prescribed rule and the will get the documents.

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In case a discuments) istan found faket forged bagus upon scrutingly verification; the service of the tessiver concerned shall be serviced and the manual points a lim as salary shall be recovered from him and an FIR shall be lodged against him on account of forgery fraud under the relevant have

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University of Peshawar

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SESSION 2004

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Morain Khan

Son / Daughter of

Miese Gul Khûn

of the Dir District

has obtained the degree of

Master of Arts

in this University at the examination held in February, 2005 in securing 489/1000 marks and was placed in the Second Division. The examination was taken as a whole / in parts.

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Controller of Examinations

Chancellor

Vige Chancellor

Bahawalpur, Pakistan Date of Issue 15-04-2007

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University of Peshawar

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IN THE PESHAWAR HIGH COURT PESH

COC NO.___ /2018

WRIT PETITION NO.3025-P/2009

Momin Khan (CT), GHS Khazana, Dir Lower.

..... PETITIONER

2004

VERSUS

- Muhammad Azam Khan, Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
- Muhammad Fakhre Alam, Secretary Elementary & Secondary 2-Education, Khyber Pakhtunkhwa, Peshawar.
- Muhammad Rafiq Khattak, Director, Elementary & Secondary 3-Education, Khyber Pakhtunkhwa, Peshawar. Respondents/Contemnors

APPLICATION UNDER ARTICLE-204 OF CONSTITUTION OF THE **ISLAMIC** REPUBLIC PAKISTAN, 1973 READ WITH SECTION 3 & 4 OF THE CONTEMPT OF COURT ORDINANCE,

INITIATING CONTEMPT OF COURT **PROCEEDINGS** AGAINST THE RESPONDENTS/CONTEMNORS

RESPECTFULLY SHEWETH:

1-That the applicants/petitioners had filed writ petitions No 3025/2009 in this august Court which was allowed vide consolidated Judgment dated 26-01-2015. That in the said judgment this august Court directed the respondents to washout the backlog created in terms of promulgation of the Khyber Pakhtunkhwa Regularization of Services Act 2009.

2-That in the said judgment this august Court directed the official Respondents as per para 19 sub-para-(i) & (ii) of the judgment which are reproduced as below:-

"In view of the above this writ petition is disposed of ih the following termer

JUDGMENT SHEET PESHAWAR HIGH COURT, PESHAWAR (JUDICIAL DEPARTMENT)

COC No. 79-P/2018 in WP No. 3025/2009

JUDGMENT.

Date	of	hearing:	23.01.2019	
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Nubummad Ichalak Odoli

Petitioner: Nomin Ichan) Gy. Ghalam Nabi &-Noon
Respondent: Gy:- Gyed Oader Oli Shih DAG.

WAQAR AHMAD SETH, CJ:-

For reasons

recorded in the connected COC No. 67-P/2018 with COC No.

310-P/2018 in WP No. 496/2010, this contempt petition is disposed of accordingly.

ANNOUNCED. Dated: 23.01.2019

CENTIFIED TO BE TRUE COTY

ATTESTED

To,

J-(59)

The Secretary (E&SE) Department, Khyber Pakhtunkhwa, Peshawar.

DEPARTMENTAL APPEAL FOR THE GRANT OF PROMOTION TO THE POST OF SECONDARY SCHOOL TEACHER (BPS-16) FROM THE DATE WHEN THE PROMOTION QUOTA WAS FILLED UP THROUGH INITIAL RECRUITMENT OR FROM THE DATE OF COMMENCEMENT OF THE ACT NO.XVI OF 2009 COMMONLY KNOWN AS REGULARIZATION OF SERVICES ACT, 2009 NOTIFIED IN THE OFFICIAL GAZETTE ON 24.10.2009 WITH ALL BACK BENEFITS.

Respected Sir,

With due respect it stated that I was initially appointed as CT in your good self Department vide order dated 13.05.1992. During service as Certified Teacher I was in the promotion zone to the post of SST (BPS-16) but the concerned authority instead of promoting me advertised the said posts of SST (BPS-16) on adhoc/contract basis. I was under protest and my colleagues applied for the said post through initial recruitment but the same was also refused to me and my colleagues on the pretext that regular employees are not entitle to apply for the adhoc/contract posts of SST (BPS-16) thus me and my colleagues were deprived from the prospects of promotion. It is pertinent to mention that at the time of above mentioned advertisement the post/cadre of CT (BPS-15) to which I belong have no prospects of promotion. In light of the said advertisement new appointments were made by the authorities on adhoc basis and even the promotion quota was also filled by the authority though initial recruitment. In the meanwhile the Provincial Government Promulgated the employee's regularization Act, 2009 whereby all the adhoc employees who were appointed as SST on temporary basis were regularized thus further affected the cadre to which I belong. That the promotion quota for which me and my colleagues have waited for decades has been washed by operation of the said Act of 2009. I was feeling aggrieved alongwith my others / colleagues knocked the door of the Peshawar High Court through various writ petitions including writ petition No.2905/2009. That vide consolidated judgments dated 26.1.2015 the said writ petitions were disposed of with the directions that:

(i)- The act.XVI of 2009, commonly known as (Regularization of services) act, 2009 is held as beneficial and remedial legislation, to which no interference is advisable hence, upheld.

(ii)- Official respondents are directed to work out the backlog of the promotion quota as per above mentioned example, within thirty days and consider the in service employees, till the backlog is washed out, till then there

Attested

89/A)

would be complete ban on fresh recruit. The concerned authority assailed the said judgment of the august Peshawar High Court Peshawar in CPLAS No.127-P to 129-P/2015 but the same were dismissed as withdrawn vide judgment dated 20.9.2017. That then after me and my colleagues time and again visited the concerned quarter for our promotion to the next higher scale but the concerned authority instead of redressing the grievances advertised the posts through initial recruitment through various advertisements. That it is pertinent to mention that I was promoted to the post of SST (BPS-16) vide Notification dated 02.08.2016 with immediate effect rather than retrospective effect i.e. from the date when the quota was filled up through initial recruitment. I am feeling aggrieved filed this Departmental appeal before your good self for redressal of my grievances.

It is therefore, most humbly prayed that on acceptance of this Departmental I may very kindly be promoted to the post of SST (BPS-16) including seniority with all back benefits w.e.f. the date when the promotion quota was filled up through initial recruitment.

Dated: 11.07.2019

Your Obediently

MOMIN KHAN SST (BPS-16), GMS Pai Khel, Kotaki, District Dir Lower

Jun Hod

NAKALATNAMA

Before the KP Service Tribunal, Perhawar

OF 2019

(APPELLANT)

Momin Khan (APPELLANT)

(PLAINTIFF)

(PETITIONER)

VERSUS

_	(RESPONDENT)
Education Dartt.	(DEFENDANT)
E QUICE POWE	

Do hereby appoint and constitute NOOR MOHAMMAD KHATTAK, Advocate, Peshawar to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated.___/__/2019

Mominkhan

CLIENT

ACCEPTED
NOOR MOHAMMAD KHATTAK

SHAHZULLAH KHAN YOUSAFZAI

MIR ZAMAN SAFI ADVOCATES

OFFICE:

Flat No.3, Upper Floor, Islamia Club Building, Khyber Bazar, Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR SERVICE APPEAL NO.1693/2019.

MR. Momin Khan SST.

......Appellant

VERSUS

- 1. The Government Khyber Pakhtunkhwa through Secretary Elementary and secondary Education at Peshawar.
- 2. Director (Elementary & Secondary Education), Khyber Pakhtunkhwa Peshawar.
- 3. District Education Officer (Male) Dir lower at Timergara.

(RESPONDENTS)

PERA WISE COMMENTS ON BEHALF OF RESPONDENTS, 1,2.and 3. RESPECTFULLY SHEWETH:

PRELIMNARY OBJECTIONS:

- 1. The appellant has got no locus standi or cause of action to file the instant appeal.
- 2. The appellant has concealed the material fact from this Hon! Able Tribunal, hence liable to be dismissed.
- 3. The appellant has not approached this Honorable Tribunal with clean hands.
- 4. The appellant has filed the instant appeal on malafide motives.
- 5. The instant appeal is against the prevailing laws & rules.

ON FACTS.

- 1. Correct.
- 2. As per government policy, the advertisement was made, just to fulfill the vacant posts on contract / ad hock bases. The appellant could not challenge the advertisement/ policy at the time, hence denied.
- 3. As per advertisement the appellant was not eligible to apply against the contract post, denied.
- 4. In correct and denied.
- 5. Correct.
- 6. Court has already disposed the case hence need no comments.
- 7. Incorrect, the advertisement was made against 25% quota, whereas 75% quota was fulfilled through promotion. Those who were eligible, promoted to SST BPS-16 including the appellant on his own turn.
- 8. In addition to para No. 7 above the appellant was promoted to SST BPS-16 under the promotion quota on his own turn, after fulfilling all the caudal formalities.
- 9. Need no comments.
- 10. The appellant has been promoted to SST and has given proper seniority number.

<u>CROUNDS:</u>-

- A. Incorrect, the appellant is misconceived, he has been availed seniority from the date of his promotion.
- B. Incorrect, all the employees are treated as per law/rules in vague.
- C. Incorrect, all the SSTs promoted and the appellants are placed at the seniority list according to their date of promotion.
- D. Incorrect, as per advertisement he was not eligible against the contract/ad hock post, however they were promoted to SST-16 on their turn.
- E. As para D above`.
- F. Incorrect, the appellant was promoted to SST B-16 on his turn under the rules and policy.
- G. Incorrect, the appellant already been availed the benefits of promotion to SST B-16 on his turn and seniority.
- H. Incorrect, the appellant misconceived, there is no disparity and he has been promoted to the post of SST B-16 on his own turn along with others.
- I. The respondent department will argue more at the time of hearing if allowed.

It is therefore, humbly prayed that on acceptance of the above submission, the instant Service appeal may very graciously be dismissed in favor of the answering respondents with cost.

SECRETARY

GOVT: KHYBER PUKHTOON KHWA
ELEMENTRY AND SECONDARY DEPARMENT
(Respondent No.1)

J. DIRECTOR

ELEMENTRY & SECODARY
EDUCATION KHYBER PAKHTOON KHWA

(Respondent No.2)

DISTRICT EDUCATION OFFICER (M)
DIR LOWER AT TIMERGARA

(Respondent No.4)